

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CRAIG CUNNINGHAM,	§	
Plaintiff	§	
	§	
V.	§	Civil Action No.: 4:19-CV-00896
	§	
MATRIX FINANCIAL SERVICES,	§	
LLC, et al.,	§	
Defendants	§	

DEFENDANTS' OFFER OF JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, NATIONAL CAR CURE, LLC, ZANDER COLLINS & SMITH, LLC, DAVID GLENWINKEL, and SING FOR SERVICE, LLC, d/b/a MEPCO, Defendants in the above entitled and numbered cause, and make the following offer of judgment under Federal Rule of Civil Procedure 68.

A. Introduction

1. Plaintiff sued Defendants for alleged violations of telemarketing regulations pursuant to 47 USC §227(b)(1)(A), 47 C.F.R. §64.1200(d), and Tex.Bus. & Com.Code §305.053.

2. Defendants make this offer more than ten days before this case is set for trial. Fed.R.Civ.P. 68; *see Ramming v. Natural Gas Pipeline Co.*, 390 F.3d 366, 370 (5th Cir. 2004).

B. Offer of Judgment

3. Defendants offer \$6,000, for which judgment may be entered. *See Herrington v. County of Sonoma*, 12 F.3d 901, 907 (9th Cir. 1993).

4. This offer is unconditional. *Herrington*, 12 F.3d at 907.

5. Defendants agree to pay costs to date. *Herrington*, 12 F.3d at 907.

6. Attorney's fees are included as part of the offer. *Nusom v. Comh Woodburn, Inc.*, 122 F.3d 830, 834 (9th Cir. 1997).

C. Deadline to Accept

7. This offer of judgment will remain open and irrevocable for ten days after service. *See* Fed.R.Civ.P. 68; *Ramming*, 390 F.3d at 370.

8. If Plaintiff does not respond within ten days after service, the offer is deemed withdrawn. Fed.R.Civ.P. 68; *Richardson v. National R.R. Passenger Corp.*, 49 F.3d 760, 764 (D.C. Cir. 1995)

Respectfully submitted,

Law Offices of Craig Zimmerman

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LLC, DAVID GLENWINKEL

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ATTORNEYS FOR DEFENDANT
SING FOR SERVICE, LLC, d/b/a MEPCO

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the above and foregoing has been served on the following parties by e-service:

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William E. Reid
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on this the 8th day of April, 2020.

/s/ R. Douglas Scott
R. DOUGLAS SCOTT